

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Ordinance 1st Reading
ZB (TXT) 2-1-04, Construction Noise

AFFECTED DISTRICT: Town wide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 2-1-04 CONSTRUCTION NOISE TO AMEND CHAPTER 15 OF THE TOWN OF DAVIE CODE OF ORDINANCES BY MODIFYING THE REGULATIONS THAT ADDRESS CONSTRUCTION NOISE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Planning and Zoning Division staff, at the request of the Town Administrator, has prepared an ordinance to modify the regulations that address construction noise. In preparing the ordinance, staff reviewed the regulations of other Broward County municipalities that are experiencing a substantial volume of development (Coral Springs, Fort Lauderdale, Hollywood, and Miramar).

The proposed ordinance changes the daily period of excessive construction noise in two (2) ways, unless a special variance is applied for and granted, in order to promote public health, welfare, safety, and quality of life of the citizens of the Town of Davie. The first is to reduce the length of time that excessive construction noise is permitted during the daily period of construction. The second is to reduce maximum amount of excessive construction noise allowed during the daily period of construction.

Currently, construction operations are permitted for twelve (12) hours a day, between the hours of 7:00 a.m. and 7:00 p.m. The amendment reduces daily construction operations to ten (10) hours, between the hours of 7:00 a.m. and 5:00 p.m. The second modification limits the sound level during the daily period of operations from 80 dBA to 60 dBA at the property lines.

PREVIOUS ACTIONS: None

CONCURRENCES: MOTION TO BE INSERTED

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 2-1-04 CONSTRUCTION NOISE TO AMEND CHAPTER 15 OF THE TOWN OF DAVIE CODE OF ORDINANCES BY MODIFYING THE REGULATIONS THAT ADDRESS CONSTRUCTION NOISE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie finds and declares that excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; and that people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health, welfare or safety or degrade the quality of life. Therefore, it is the policy of the Town of Davie to prevent excessive sound which may jeopardize the health, welfare or safety of the citizens of the town or degrade the quality of life;

WHEREAS, the Town of Davie desires to amend the Code of Ordinances to modify the regulations that address construction noise;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That Chapter 15 of the Code of Ordinances of the Town of Davie is hereby amended as follows:

Section 15-7. Specific prohibitions.

(14) Construction. It shall be unlawful for any person to do, perform or engage in any construction work, building excavating, hoisting, grading, pile driving, pneumatic hammering, demolition, dredging, building alteration or repair work of any nature to any building or structure or upon any site for the same in the Town of Davie without a special variance as provided for in section 15-11:

a. Between the hours of ~~7:00 p.m.~~ 5:00 p.m. and 7:00 a.m. the following day, and at all times on Saturdays, Sundays and holidays, such that the sound there from exceeds fifty (50) dBA at a real property boundary;

b. At any other time such that the sound level at a real property boundary exceeds ~~eighty (80)~~ sixty (60) dBA for the daily period of operation.

c. This section shall not apply to the use of domestic power tools subject to section 15-7(10).

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2004.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

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